

No. 14-17-00098-CR

In the
Court of Appeals
For the
Fourteenth District of Texas
At Houston

FILED IN
14th COURT OF APPEALS
HOUSTON, TEXAS
11/2/2017 9:35:40 AM
CHRISTOPHER A. PRINE
Clerk

—◆—
No. 2109329

In County Criminal Court at Law No. 6
Of Harris County, Texas

—◆—
MARC WAKEFIELD DUNHAM

Appellant

V.

THE STATE OF TEXAS

Appellee

—◆—
STATE'S MOTION FOR EXTENSION OF TIME TO FILE BRIEF

—◆—
TO THE HONORABLE COURT OF APPEALS:

THE STATE OF TEXAS, pursuant to TEX. R. APP. P. 2 & 10.5, moves for an extension of time in which to file its appellate brief and in its motion, would show the Court the following:

1. The State charged the appellant with the misdemeanor offense of Deceptive Business Practice and the jury found the appellant guilty (CR—8, 89). The trial court sentenced the appellant to 1 year in the Harris County Jail (CR—91-2). The appellant gave timely notice of appeal, and the trial court certified that he had the right to appeal (CR—94-96).
2. The appellant's brief was filed on September 29, 2017.

3. The State's appellate brief was due on October 30, 2017.
4. This is the State's first request for an extension.
5. The following facts are relied upon to show good cause for an extension of time to allow the State to file its brief:
 - a. The undersigned attorney was assigned this brief on November 2, 2017. Additionally, the State did not receive service of the appellant's brief until October 10, 2017 for unknown reasons.
 - b. The record in this case is over forty-two megabytes in length split over seven volumes and will take some time to process.
 - c. The undersigned attorney is currently involved in completing the following written appellate projects since the appellant filed his brief:

(1)	<i>Ryan Burgs v. State of Texas</i> 14-16-00985-CR Brief Filed October 5, 2017
(2)	<i>Gersain Molina v. State of Texas</i> 01-17-00075-CR Brief Filed October 13, 2017
(3)	<i>Ex parte Charles Bowman</i> 14-17-00736-CR Brief Filed October 20, 2017
(4)	<i>Louis West v. State of Texas</i> 14-17-00094-CR, 14-17-00095-CR Brief Filed October 30, 2017
(5)	<i>Jamall Johnson v. State of Texas</i> 14-17-00312-CR, 14-17-00313-CR Brief Due November 15, 2017
(6)	<i>Eric Guerra v. State of Texas</i> 14-17-00202-CR, 14-17-00203-CR Brief Due November 15, 2017

- d. The workload of this prosecutor is not out of the ordinary in the appellate division of the Harris County District

Attorney's Office. The Harris County District Attorney's Office Appellate Division is experiencing a significant workload at present. Appellate prosecutors, including the undersigned attorney, are working as quickly as possible to complete as many briefs as possible while still addressing all the issues raised by appellants as thoroughly as justice requires. Because of the high workload per prosecutor, as well as the greater length and complexity of appeals being brought in this county, it often takes longer to process all of the assigned cases, and more cases require multiple extensions or a lengthy extension before the completion of the State's brief.

Consequently, the undersigned attorney has been unable to complete the State's reply brief in this case in the time permitted despite due diligence, and the requested extension of time is necessary to permit the undersigned attorney to adequately investigate, complete, and file the State's appellate brief for this cause. The State's motion is not for purposes of delay, but so that justice may be done.

WHEREFORE, the State prays that this Court will grant an extension of time for the undersigned attorney to complete and file the State's appellate brief in this case until December 1, 2017.

Respectfully submitted,

/s/ Katie Davis

KATIE DAVIS
Assistant District Attorney
Harris County, Texas
1201 Franklin, Suite 600
Houston, Texas 77002-1923
(713) 274-5826
Davis_Katie@dao.hctx.net
TBC No. 24070242

CERTIFICATE OF SERVICE

I certify that I have requested that efile.txcourts.gov electronically serve a copy
of this motion to:

Josh Scaffer
1021 Main, Suite 1440
Houston, TX 77002
713-951-9555
713-951-9854/fax
josh@joshschafterlaw.com

/s/ Katie Davis

KATIE DAVIS
Assistant District Attorney
Harris County, Texas
1201 Franklin, Suite 600
Houston, Texas 77002-1923
(713) 274-5826
Davis_Katie@dao.hctx.net
TBC No. 24070242

Date: November 2, 2017